

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Jonathan Carl Ligon, Debtor)
)

Case No. 19-32039-KLP
Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan dated July 10, 2019, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division, on April 16, 2019 under 11 U.S.C. Chapter 13.
2. The Debtors have proposed one prior Chapter 13 Plan, filed April 29, 2019 (the “previous Plan”). The Trustee filed an Objection to Confirmation of the previous Plan on June 12, 2019 (the “previous Objection”), requesting, in pertinent part, that the Debtor provide copies of his 2017 and 2018 tax returns, as well as records of his business income and expenses. The previous Objection was sustained by agreement, thereby giving rise to the instant Plan. The Trustee renews her previous Objection herein.
3. This Objection is filed pursuant to 11 U.S.C. §§ 1325(a)(9) and (b)(1)(B).
4. The above-filed Chapter 13 case is not eligible for confirmation due to the Debtor’s failure to provide proof of filing all required tax returns pursuant to 11 U.S.C. §1308 and §1325(a)(9). Upon information and belief, the Debtor has not yet filed tax returns for the 2017 and 2018 tax years. The Trustee requests the Debtor file these and any other outstanding returns, and forward copies of his 2017 and 2018 state and federal individual income tax returns upon their filing.
5. In addition, the Debtor has failed to provide proof of his monthly income. The Trustee requests the Debtor provide a record of his business income and expenses for Ligon Farms and Ligon Trucking, LLC, for each of the 12 months prior to his bankruptcy filing. If the Debtor maintains business bank accounts, the Trustee requests the Debtor provide copies of bank statements for each of the six months prior to his bankruptcy filing.
6. Finally, the Trustee would suggest the Debtor’s Plan fails to dedicate his disposable monthly income (“DMI”) to the payment of his unsecured creditors. The Debtor’s Form 122C-2 reflects a DMI of \$213.62, which would require a distribution of approximately \$12,817.20

Elizabeth C. Brogan

Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
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to unsecured creditors. In contrast, the Plan proposes payment of a 4% dividend to unsecured creditors. The claims bar date in this case has passed, and the unsecured claims totally \$151,940.03. As such, a 4% dividend would be a distribution of approximately \$6,078.00. The Trustee requests the Debtor file an amended Plan increasing the dividend paid to unsecured creditors.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, respectfully moves the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan, and for such further and other relief as the Court deems necessary.

Date: August 21, 2019

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
1313 East Main Street, Suite A
Post Office Box 1780
Richmond, Virginia 23218-1780
(804) 775-0979

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing OBJECTION TO CONFIRMATION was served electronically or by first-class mail, postage prepaid, this 21st day of August, 2019, upon the following parties:

Jonathan Carl Ligon
1857 Hanford Road
Skipwith, VA 23965

Anthony L. White, Counsel for Debtor
Anthony L. White, PLLC
PO Box 4665
Glen Allen, VA 23060
awhite@alwhitelaw.com

Timothy G. Moore, Counsel for Nutrien Ag Solutions, Inc.
Spotts Fain PC
P.O. Box 1555
Richmond, VA 23218-1555
tmoore@spottsfain.com

Jennifer J. West, Counsel for Nutrien Ag Solutions, Inc.
Spotts Fain PC
411 E. Franklin Street, Suite 600
Richmond, VA 23219
jwest@spottsfain.com

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Jonathan Carl Ligon, Debtor

1857 Hanford Road
Skipwith, VA 23965

XXX-XX-5199

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Case No. 19-32039-KLP
Chapter 13

NOTICE OF OBJECTION TO CONFIRMATION

Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, has filed papers with the Court objecting to the confirmation of your Chapter 13 Plan dated July 10, 2019.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

X File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough that the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, Virginia 23219

You must also mail a copy to:

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Post Office Box 1780
Richmond, Virginia 23218-1780

X Attend the hearing on the Objection, scheduled to be held on **August 28, 2019** at **9:10 a.m.** at **United States Bankruptcy Court, 701 East Broad Street, Room 5100, Richmond, VA 23219.**

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
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If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection, and may enter an order granting that relief.

Date: August 21, 2019

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

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I hereby certify a true copy of the foregoing NOTICE OF OBJECTION TO CONFIRMATION was served electronically or by first-class mail, postage prepaid, this 21st day of August, 2019, upon the following parties:

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Anthony L. White, Counsel for Debtor
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Glen Allen, VA 23060
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Timothy G. Moore, Counsel for Nutrien Ag Solutions, Inc.
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Jennifer J. West, Counsel for Nutrien Ag Solutions, Inc.
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/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

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